IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.:	10/082,493	Conf. No.	3724
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Docket:	D33-024-01-US	Customer No.	54,092
Title:	Delta Caching Service		

BRIEF ON APPEAL

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

This Appeal Brief is submitted in support of the Notice of Appeal dated December 3, 2007.

I. Real Party In Interest

The real party in interest is the assignee of record, Digital River, Inc., having an office at 9625 West 76th Street, Eden Prairie, Minnesota 55344.

II. Related Appeals, Interferences, And Judicial Proceedings

Applicant is unaware of any related pending appeals, interferences, or judicial proceedings.

III. Status Of Claims

Claims 1-40 are pending in the application. The pending claims are presented in the Claims Appendix of this Brief. This appeal is taken for all of the pending claims 1-40 which stand rejected by the Examiner in the Final Office Action dated May 31, 2007 (hereafter the "Final Office Action").

IV. Status Of Amendments

No amendment to the claims has been made since the final rejection of claims on May 31, 2007.

V. Summary of Claimed Subject Matter

The present application contains independent claims 1, 14, and 29. These independent claims recite similar limitations, except in the context of a method of responding to a request from a client for a web page, the system itself for responding to the request, and the system itself for responding to the request as described in means plus function form, respectively.

Although reference numerals and specification citations are inserted below in accordance with 37 C.F.R. 41.37(c)(v), these reference numerals and citations are merely examples of where support may be found in the specification for the terms used in this section of the brief. There is no intention to suggest, in any way, that the terms of the claims are limited to these examples. Although, as demonstrated by the reference numerals and citations below, the claims are fully supported by the specification as required by law, it is improper under the law to read limitations from the specification into the claims. Pointing out specification support for the claim terminology as is done here to comply with rule 41.37(c)(1)(v) does not in any way limit the scope of the claims to those examples from which they find support. Nor does this exercise provide a mechanism for circumventing the law precluding reading limitations into the claims from the specification. In short, the reference numerals and specification citations are not to be construed as claim elements or in any way used to limit the scope of the claims.

As found in the original specification filed February 22, 2002, Figures 1 and 2 show and pages 1-27 describe the present invention as claimed.

In the invention as defined in claim 1, a method 200 is for responding to a request 113 from a client 110 for a web page is described (Page 14, line 1 to page 18, line 2). The method in claim 1 is recited as comprising several steps. First, there is the step of forwarding, from a request server 130, the request 113 to a template server 150 and a delta encoder 140 (Page 10, line 17 through page 11, line 4). Second, there is a step of

building, at the template server 150 that is logically remote from the request server, template information 157 for the web page (Page 12, line 7 through page 14, line 6). Third, there is a step of computing delta information 156 for the web page based on the template information 157 at the delta encoder 140 that is logically remote from the request server 130 (Page 11, lines 6-9). Fourth, there is a step of sending, to the client 110, the delta information 157 for the web page and a reference to the template information 157 (Page 11, line 21 through page 12, line 2).

In the invention as defined in claim 4, the method 200 for responding to a request 113 from a client 110 for a web page involves additional step of sending statistical information to the template server 150 relating to the benefits of a delta caching service of the delta encoder 140 (Page 23, lines 1-3). .

In the invention as defined in claim 5, the method 200 for responding to a request 113 from a client 110 for a web page involves additional steps of: distributing the request 113 from the client 110 to a selected one of a set of delta encoders 140, providing a web object 132 at the request server 130 in response to the request 113, and computing the delta information 156 at the selected one delta encoder 140 in response to the template information 157, wherein the template server 150 is logically remote from the selected one delta encoder 140 (Page 9, line 20 through page 10, line 2).

In the invention as defined in claim 6, the method 200 for responding to a request 113 from a client 110 for a web page involves additional steps of: distributing the request 113 from the client 110 to a selected one of a set of devices, providing a web object 132 at the selected one device in response to the request 113, and computing the delta information 156 in response to the web object 132 and in response to the template information 157, wherein the template server 150 is logically remote from the selected one device (Page 9, line 20 through page 10, line 2).

In the invention as defined in claim 9, the method 200 for responding to a request 113 from a client 110 for a web page involves having the delta information 156 include at least one program fragment (Page 13, lines 8-16).

In the invention as defined in claim 10, the method 200 for responding to a request 113 from a client 110 for a web page involves having the delta information 156 includes at

least one program fragment directing the client 110 to retrieve template information 157 (Page 13, lines 8-16).

In the invention as defined in claim 11, the method 200 for responding to a request 113 from a client 110 for a web page involves having the at least one program fragment direct the client to retrieve the template information from either the template builder, the delta encoder, or a content delivery network (Page 13, lines 8-16 and page 15, line 5-18).

In the invention as defined in claim 14, a system 100 for responding to a request 113 from a client 110 for a web page is described. The system 100 in claim 14 is recited as comprising several parts. First, a request server 130 responsive to the request 113 from the client 110 that forwards the request (Page 10, line 17 through page 11, line 4). Second, a template builder 150 disposed logically remote to the request server 130 and responsive to the forwarded request by building template information 157 for the web page (Page 12, line 7 through page 14, line 6). Third, a delta encoder 140 disposed logically remote to the request server 130 and responsive to the forwarded request by generating a response including delta information 156 based on the template information 157 for the web page and a reference to template information 157 for the web page (Page 11, line 21 through page 12, line 2).

In the invention as defined in claim 16, the system 100 a distributor 134 responsive to the request 113 from the client 110 and coupled to a selected one of a set of delta encoders 140, wherein the template server 150 is logically remote from the selected one delta encoder 140 (Page 9, line 20 through page 10, line 2).

In the invention as defined in claim 17, the system 100 a distributor 134 responsive to the request 113 from the client 110 and coupled to a selected one of a set of devices, wherein the template server 150 is logically remote from the selected one device (Page 9, line 20 through page 10, line 2).

In the invention as defined in claim 21, the system 100 has the delta encoder 140 send statistical information to the template builder 150, wherein the statistical information relates to the benefits of the delta caching service (Page 23, lines 1-3).

In the invention as defined in claim 25, the system 100 has the delta information 156 include at least one program fragment (Page 13, lines 8-16).

In the invention as defined in claim 26, the system 100 has the delta information 156 include at least one program fragment directing the client 110 to retrieve template information 157 (Page 13, lines 8-16)..

In the invention as defined in claim 29, a system 100 for responding to a request 113 from a client 110 for a web page is described. The system 100 in claim 29 is recited as comprising several parts. First, a means forwarding from a request server 130 the request 113 to a template server 150 and a delta encoder 140 (Page 10, line 17 through page 11, line 4). Second, a means for building, at the template server 150 that is logically remote from the request server 130, template information 157 for the web page (Page 12, line 7 through page 14, line 6). Third, a means for computing delta information for the web page based on the template information 157 at the delta encoder 140 that is logically remote from the request server 130 (Page 11, line 21 through page 12, line 2). Fourth, means for sending, to the client 110, the delta information 156 for the web page and a reference to the template information 157 (Page 11, line 21 through page 12, line 2).

In the invention as defined in claim 29, the system 100 includes means for sending statistical information to the template server 150 relating to the benefits of a delta caching service of the delta encoder 140 (Page 23, lines 1-3).

In the invention as defined in claim 33, the system 100 includes means for distributing the request from the client 110 to a selected one of a set of delta encoders 140 (Page 9, line 20 through page 10, line 2). The system 100 also includes means for providing a web object 132 at the request server 130 in response to the request 113 (Page 11, line 21 through page 12, line 2). The system 100 also includes means for computing the delta information 157 at the selected one delta encoder 140 in response to the template information 157, wherein the template server 150 is logically remote from the selected one delta encoder 140 (Page 11, lines 6-9).

In the invention as defined in claim 34, the system 100 includes means for distributing the request from the client 110 to a selected one of a set of devices (Page 9, line 20

through page 10, line 2). The system 100 also includes means for providing a web object 132 at the selected one device in response to the request 113 113 (Page 11, line 21 through page 12, line 2). The system 100 also includes means for computing the delta information 157 in response to the web object 132 and in response to the template information 156, wherein the template server 150 is logically remote from the selected one device (Page 11, lines 6-9).

In the invention as defined in claim 37, the system 100 has the delta information 156 include at least one program fragment (Page 13, lines 8-16).

In the invention as defined in claim 38, the system 100 has the delta information 156 include at least one program fragment directing the client 110 to retrieve template information 157 (Page 13, lines 8-16).

It will be understood that these examples are not limiting to the claim terms, and that the specification should be read as a whole to fully comprehend the scope of the claimed subject matter.

VI. Grounds Of Rejection To Be Reviewed On Appeal

Whether claims 1-40 are unpatentable under 35 USC §103(a) over U.S. Patent No. 6,466,937 by Fascenda (Fascenda '937) in view of U.S. Patent No. 6,873,877 by Tobias (Tobias '877).

VII. Argument

For the reasons described in detail below, the Examiner has failed to establish a *prima facie* case of obviousness by not providing prior art references which, when combined, teach or suggest all the claim limitations. As such, the Applicant is pursuing this appeal.

A. Failed To Present Prima Facie Case of Obviousness For The Independent Claims

"Both anticipation under § 102 and obviousness under § 103 are two-step inquiries. The first step in both analyses is a proper construction of the claims . . . . The second step in the analyses requires a comparison of the properly construed claim to the prior art." Medichem, S.A. v. Rolabo, S.L., 353 F.3d 928, 933 (Fed.Cir. 2003).

For the first step, "The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art." In re Lowry, 32 F.3d 1579, 1582 (Fed. Cir. 1994) (citing In re Gulack, 703 F.2d 1381, 1385 (Fed. Cir. 1983)). Here, claim 1 in a pertinent part claims the following features:

> A method for responding to a request from a client for a web page,
> …
>
> forwarding, from a request server, the request to a template server and a delta encoder;
> …
> computing delta information for the web page based on the template information at the delta encoder that is logically remote from the request server;

As such, claim 1 describes computing delta information for the requested web page at a delta encoder that is separate from both a request server and a template server. Claim language similar to claim 1 as repeated above is also found in independent claims 14 and 29. For the sake of brevity these claims are not repeated here, but reference is made to the full text of the claims found in the attached Claims Appendix.

Turning now to the second step, to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), three basic criteria must be met by the PTO. First, there must be

some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). See also, In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). More specifically, the Examiner bears the initial burden of presenting a prima facie case of obviousness. … Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. … A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. … If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. In re Rijckaert, 9 F.3d 1531,m 28 USPQ2d 1955 (Fed Cir. 1993). In re Deuel, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995).

In this case, the Examiner has asserted in the final office action that all of the elements of claims 1-40 are taught by Fascenda '937 in combination with Tobias '877.

After reviewing Fascenda '937 for its potential teachings, the Applicant agrees that a system is described which utilizes a transaction and template database to generate a page based on both the template and information from the transaction database. In addition, the Applicant agrees with the Examiner's admission in the first sentence of the first full paragraph on page 4 in the Final Office Action that "Fascenda '937 is silent regarding: the delta encoder is separate from the request server."

As such, the Examiner recognized in the Final Office Action that Fascenda '937 fails to teach all elements of the present invention as claimed. What Fascenda '937 fails to teach, describe, or even suggest is a delta encoding device (logically remote from the request server) that calculates delta information for a requested web page based on template information as defined by presently pending independent claims 1, 14, and 29. To remedy this deficiency, the Examiner has cited Tobias '877 as disclosing a delta encoder separate from the request server. However, neither in the passages in Tobias

'877 cited by the Examiner nor anywhere else in Tobias '877 no form of delta encoder is ever described as claimed in independent claims 1, 14, and 29.

Present independent claims 1, 14, and 29 claim the use of a request server that forwards requests to a delta encoder and template server. In particular, the present invention as claimed contemplates a system where the request server is separate from the delta encoder. Fascenda '937 does not disclose such a system with separate request serving and delta encoding elements. Such a difference can be important to overall system performance. In the present system as claimed, the request server is separate from the delta encoder and template server. This system arrangement permits load balancing by the request server to a variety of delta encoders and template servers. Additional details of this load balancing function are presently claimed in dependent claims 5 and 6 and further described in paragraph [0032] of the specification.

Therefore, this obviousness rejection of independent claims 1, 14 and 29 is flawed because at least one feature is not taught by Fascenda '937 or Tobias '877. Thus, this obviousness rejection must be overturned by the Board.

B. Failed To Present Prima Facie Case of Obviousness For The Dependent Claims

Like the independent claims, the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a) based on Fascenda '937 in combination with Tobias '877. In the Applicant's response filed February 26, 2007 (hereafter the "Feburary 2007 Response"), the Applicant traversed the Examiner's assertion that several features described in dependent claims 4, 5, 6, 9-11, 16, 17, 21, 25, 26, 32, 33, 34, 37, and 38 were taught or described by Fascenda '937. More specifically, this traversal stated that the Examiner cited to passages within Fascenda '937 that did not actually teach or describe the features claimed in the dependent claims. The Applicant went a step further and looked at the entire content of Fascenda '937 and did not find anything that taught or described the features claimed in the dependent claims. In other words, the Applicant argued that the Examiner had not meet the burden to a *prima facie* case of obviousness under 35 U.S.C. §103(a) by identifying a prior art reference that

taught or described the claimed features. This traversal was not refuted or even mentioned by the Examiner in the Final Office Action.

As previously noted, If the examiner fails to establish a prima facie case, the rejection is improper and must be overturned. In re Rijckaert, 9 F.3d 1531,m 28 USPQ2d 1955 (Fed Cir. 1993). In re Deuel, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995). For dependent claims 4, 5, 6, 9-11, 16, 17, 21, 25, 26, 32, 33, 34, 37, and 38, this burden to establish a prima facie case has never been met.

In Graham v. John Deere, the Supreme Court identified four factual inquiries that need to be done to determine obviousness under 35 U.S.C. §103(a). These inquiries are:

(a) determining the scope and contents of the prior art;

(b) ascertaining the differences between the prior art and the claims in issue;

(c) resolving the level of ordinary skill in the pertinent art; and

(d) evaluating evidence of secondary considerations.

Graham v. John Deere, 383 U.S. 1, 148 USPQ 459 (1966). More particularly, the Final Office Action fails to establish the scope and content of the prior art. Thus, the Applicant has not been provided a prima facie case of obviousness which it could rebut for dependent claims 4, 5, 6, 9-11, 16, 17, 21, 25, 26, 32, 33, 34, 37, and 38 and all four factual inquiries could not be completed. As such, this obviousness rejection is flawed and must be overturned by the Board.

With respect to dependent claims 4, 21, and 32, these dependent claims describe sending statistical information about the benefits of the delta encoder to the template server. The Examiner asserted that Fascenda '937 at column 11, lines 7-21 and column 13, lines 56-65 teach sending of statistical information. Based upon a careful review of Fascenda '937, this statement by the Examiner is simply false. The sending of statistical information is not described or taught in either of these passages or anywhere else in the Fascenda '937 reference.

Dependent claims 5, 16, and 33 describe having several delta encoders associated with a request server and having the delta encoders logically remote from the template server. Dependent claims 6, 17, and 34 described features: (i) having several devices or request servers configured to respond to a request and (ii) having the devices or request servers logically remote from the template server. Examiner asserted that Tobias '877 at column 7, lines 46 through column 8, line 10 teach using delta encoders as presently claimed in these dependent claims. This statement by the Examiner is simply false. Tobias '877 does not describe in these passages or anywhere else in its text describe using delta encoders. Since Tobias '877 is from a non-analogous technical art that does not have data divided into template information and delta information, this lack of describing delta encoders is not unexpected. In short, Tobias '877 does not teach distributing a request to devices that compute delta information as claimed in the instant application in dependent claims 5, 6, 16, 17, 33, and 34.

Dependent claims 9-11, 25, 26, 37, and 38 describe clientless delta caching systems that have a program fragment sent as part of the delta information. The use of such a program fragment in the delta information is not taught by Fascenda '937. For example, such a program fragment could enable retrieving template information at the client device. The Applicant respectfully points out that the figure and column of text in Fascenda '937 identified by the Examiner does not, and other parts of the same reference do not, teach having delta information with program fragments as presently claimed in dependent claims 9-11, 25, 26, 37, and 38.

The Final Office Action is silent with respect to either cited reference (Fascenda '937 and Tobias '877) teaching or suggesting the features described in the pending dependent claims 4, 5, 6, 9-11, 16, 17, 21, 25, 26, 32, 33, 34, 37, and 38 and identified above as being missing from and not suggested by Fascenda '937 and Tobias '877. Thus, this obviousness rejection is flawed and must be overturned by the Board.

C. Tobias '877 Is From A Non-Analogous Art And May Not Be Considered Prior Art

In an attempt to overcome the limited teachings of the Fascenda '937 reference, the Final Office Action cites Tobias '877 with particular reference to FIG. 1 and column 7, line 46 to column 8, line 10 on Page 4 in the first full paragraph of the Final Office Action. The Examiner also mentions a Kirsch reference in this paragraph, but the sections described appear to be from Tobias '877. As such, the Applicant has interpreted the Examiner's remarks to be directed to Tobias '877 and has prepared this appeal brief based on this interpretation. If this interpretation is in error, the Applicant requests the opportunity to review this separate Kirsch reference, once it is more specifically identified by the Examiner, and provide remarks as necessary related to patentability over this Kirsch reference.

The Final Office Action states that Tobias '877 teaches utilizing a delta encoder separate from the request server. For several reasons, the Applicant respectfully disagrees with this characterization of Tobias '877 and its use in combination with Fascenda '937.

In order to rely on a reference as a basis for rejection of Applicant's invention, the reference must either be in the field of Applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. In re Oetiker, 977 F2d 1443, 1446, 24 USPQ 2d 1443, 1445 (Fed. Cir. 1992). MPEP 2141.01(a). Like the Applicant's arguments regarding the patentability of the dependent claims as described above, the Final Office Action also fails to respond to or even mention Applicant's argument as presented in the Feburary 2007 Response that Tobias '877 is from non-analogous art and therefore not a proper prior art reference.

Applicant acknowledges that Tobias '877 discloses a distribution unit 108 that distributes encoding orders to encoders 116, 118, 120. However, Tobias '877 does not disclose any form of delta encoder. In fact, Tobias '877 is from a non-analogous technical art directed to multi-media encoding for music, photos, movies, and the like. This line of reasoning by the Examiner necessarily fails because Tobias '877 does not

face the same problem at all that the Applicant faced. In such multi-media technical arts, the media is encoded but does not lend itself to being encoded into templates and delta information. Unlike web pages on a web site that may be very similar to one another and contain common elements, media such as music, photos, movies, and the like rarely, if ever, contain common elements that could be divided into templates and delta information. As a result, Tobias '877 simply is not addressing the same problem at all, namely responding to a request for a web page where the web page was encoded into template information and delta information. Tobias '877 does not describe a delta encoder and does not even contemplate delta encoders. Therefore, Tobias '877 is not pertinent to the problem being solved and is from a non-analogous art. As such, Tobias '877 may not be relied upon as a basis for rejection of the pending claims that describe the Applicant's invention.

D. Other Considerations

In the past, one method used to resolve the obviousness question with more uniformity and consistency has been the employment of a teaching, suggestion, or motivation (TSM) test, under which a patent claim is only proved obvious if the prior art, the problems nature, or the knowledge of a person having ordinary skill in the art reveals some motivation or suggestion to combine the prior art teachings. KSR International v. Teleflex Inc., 550 U.S. __ (2007). Although this test was not explicitly overturned in KSR International v. Teleflex Inc., the Court pointed out that the correct analysis involves applying common sense that familiar items may have obvious uses beyond their primary purposes, and a person of ordinary skill often will be able to fit the teachings of multiple patents together like pieces of a puzzle. Id. In the present situation, the Applicant need not apply either of these analytical tests to the obviousness question. This is because, as described previously, no *prima facie* case of obviousness has been made in the Final Office Action.

Even if common sense combinations of the Fascenda '937 and Tobias '877 references were made by one of ordinary skill in the art at the time the present invention was made, these combinations would not have resulted in the invention as claimed in independent

claims 1, 14, and 29. In particular, neither reference teaches or suggests the use of a delta encoder separate from a request server.

The judgment of obviousness made in the Final Office Action based on these references appears to take into account more knowledge than what was within the level of ordinary skill in the art at the time the claimed invention was made, and appears to include additional knowledge gleaned only from the Applicant's disclosure (i.e., improper use of hindsight, see supra KSR International v. Teleflex Inc). These gaps in the teachings of these references simply cannot be bridged by common sense alone. The gist of the present invention as claimed lies within these gaps. As such, this obviousness rejection is flawed and must be overturned by the Board.

With respect to the remaining dependent claims, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claims 2-13 depend from claim 1 and therefore are allowable over Fascenda '937 and Tobias '877 for the same reasons that claim 1 is allowable. Claims 15-28 depend from claim 14 and therefore are allowable over Fascenda '937 and Tobias '877 for the same reasons that claim 14 is allowable. Claims 30-40 depend from claim 29 and therefore are allowable over Fascenda '937 and Tobias '877 for the same reasons that claim 29 is allowable. Furthermore, as previously noted, claims 4, 5, 6, 9-11, 16, 17, 21, 25, 26, 32, 33, 34, 37, and 38 recite additional features that independently render them patentable over Fascenda '937 and Tobias '877.

Therefore, under 35 USC §103(a) Fascenda '937 and Tobias '877 fail to teach the present invention as claimed in claims 1-40 and a withdrawal of this objection is respectfully requested.

VIII. Conclusion

On the basis of the foregoing, Applicant respectfully submits that all of the rejections made in the Final Office Action should be overturned and claims 1-40 should be passed to issuance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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IX. Claims Appendix

1. (Previously Presented) A method for responding to a request from a client for a web page, including steps of:

forwarding, from a request server, the request to a template server and a delta encoder;

building, at the template server that is logically remote from the request server, template information for the web page;

computing delta information for the web page based on the template information at the delta encoder that is logically remote from the request server; and

sending, to the client, the delta information for the web page and a reference to the template information.

2. (Previously Presented) The method of claim 1 including a step of compressing the delta information.

3. (Previously Presented) The method of claim 1 including a step of compressing the template information.

4. (Previously Presented) The method of claim 1 including a step of sending statistical information to the template server relating to the benefits of a delta caching service of the delta encoder.

5. (Previously Presented) The method of claim 1 including steps of:

distributing the request from the client to a selected one of a set of delta encoders;

providing a web object at the request server in response to the request; and

computing the delta information at the selected one delta encoder in response to the template information, wherein the template server is logically remote from the selected one delta encoder.

6. (Previously Presented) The method of claim 1 including steps of:
distributing the request from the client to a selected one of a set of devices;
providing a web object at the selected one device in response to the request;
computing the delta information in response to the web object and in response to the template information, wherein the template server is logically remote from the selected one device.

7. (Previously Presented) The method of claim 1 including steps of:
receiving, from the client, a request for the template information; and
sending, to the client, the template information.

8. (Previously Presented) The method of claim 1 including steps of
sending, from a source of the delta information, a request for the template information; and
receiving, at the source of the delta information, the template information.

9. (Previously Presented) The method of claim 1 wherein the delta information includes at least one program fragment.

10. (Previously Presented) The method of claim 1 wherein the delta information includes at least one program fragment directing the client to retrieve template information.

11. (Previously Presented) The method of claim 10 wherein the at least one program fragment directs the client to retrieve the template information from either the template builder, the delta encoder, or a content delivery network.

12. (Previously Presented) A method as in claim 1, wherein
the web page is accessible to more than one the server; and
the template information is accessible to the more than one server.

13. (Previously Presented) The method of claim 1 wherein the steps of building are responsive to at least one change in the web page.

14. (Previously Presented) A system for responding to a request from a client for a web page, comprising:

a request server responsive to the request from the client that forwards the request;

a template builder disposed logically remote to the request server and responsive to the forwarded request by building template information for the web page; and

a delta encoder disposed logically remote to the request server and responsive to the forwarded request by generating a response including delta information based on the template information for the web page and a reference to template information for the web page.

15. (Previously Presented) The system of claim 14 including a delta information compressor.

16. (Previously Presented) The system of claim 14 including a distributor responsive to the request from the client and coupled to a selected one of a set of delta encoders, wherein the template server is logically remote from the selected one delta encoder.

17. (Previously Presented) The system of claim 14 including a distributor responsive to the request from the client and coupled to a selected one of a set of devices, wherein the template server is logically remote from the selected one device.

18. (Previously Presented) The system of claim 14 wherein the template builder is configured to send the template information to the delta encoder.

19. (Previously Presented) The system of claim 14 including a template information compressor.

20. (Previously Presented) The system of claim 14 wherein the delta encoder generates requests to and receives responses from the template builder.

21. (Previously Presented) The system of claim 14 wherein the delta encoder sends statistical information to the template builder, wherein the statistical information relates to the benefits of the delta caching service.

22. (Previously Presented) The system of claim 14 wherein the delta encoder retrieves configuration information from the template builder and uses the configuration information in a hosted configuration mechanism.

23. (Previously Presented) The system of claim 14 wherein the delta encoder retrieves a list of available templates and identifies which templates are not included in the list.

24. (Previously Presented) The system of claim 14 wherein the delta encoder requests the template builder to rebuild a template.

25. (Previously Presented) The system of claim 14 wherein the delta information includes at least one program fragment.

26. (Previously Presented) The system of claim 14 wherein the delta information includes at least one program fragment directing the client to retrieve template information.

27. (Previously Presented) The system of claim 14 wherein
the web page is accessible to more than one the server; and
the template information is accessible to the more than one the server.

28. (Previously Presented) The system of claim 14 wherein the template builder is responsive to at least one change in the web page.

29. (Previously Presented) A system for responding to a request from a client for a web page, comprising:

means forwarding from a request server the request to a template server and a delta encoder;

means for building, at the template server that is logically remote from the request server, template information for the web page;

means for computing delta information for the web page based on the template information at the delta encoder that is logically remote from the request server; and

means for sending, to the client, the delta information for the web page and a reference to the template information.

30. (Previously Presented) The system of claim 29 including means for compressing the delta information.

31. (Previously Presented) The system of claim 29 including means for compressing the template information.

32. (Previously Presented) The system of claim 29 including means for sending statistical information to the template server relating to the benefits of a delta caching service of the delta encoder.

33. (Previously Presented) The system of claim 29 including:

means for distributing the request from the client to a selected one of a set of delta encoders;

means for providing a web object at the request server in response to the request; and

means for computing the delta information at the selected one delta encoder in response to the template information, wherein the template server is logically remote from the selected one delta encoder.

34. (Previously Presented) The system of claim 29 including:

means for distributing the request from the client to a selected one of a set of devices;

means for providing a web object at the selected one device in response to the request;

means for computing the delta information in response to the web object and in response to the template information, wherein the template server is logically remote from the selected one device.

35. (Previously Presented) The system of claim 29 including:

means for receiving, from the client, a request for the template information; and

means for sending, to the client, the template information.

36. (Previously Presented) The system of claim 29 including:

means for sending, from a source of the delta information, a request for the template information; and

means for receiving, at the source of the delta information, the template information.

37. (Previously Presented) The system of claim 29 wherein the delta information includes at least one program fragment.

38. (Previously Presented) The system of claim 29 wherein the delta information includes at least one program fragment directing the client to retrieve template information.

39. (Previously Presented) The system of claim 29 wherein
the web page is accessible to more than one the server; and
the template information is accessible to the more than one the server.

40. (Previously Presented) The system of claim 29 wherein the means for building is responsive to at least one change in the web page.

X. Evidence Appendix

No evidence under 37 C.F.R. §1.130, 1.131, or 1.132 is being relied upon. The evidence relied upon is reflected in the following table.

Reference	Entered in Record
Fascenda, U.S. Patent No. 6,466,937	PTO-892 attached to Office Action mailed May 3, 2005
Tobias, U.S. Patent No. 6,873,877	PTO-892 attached to Office Action mailed August 25, 2006

A copy of the above-noted evidence is attached hereto.

XI. Related Proceedings Appendix

None.